

Leg

OCA 87-3323  
3 August 1987

MEMORANDUM FOR: Director of Finance  
Director of Personnel  
Deputy Director for Policy, Analysis &  
Evaluation/OP

FROM: [ ] Legislation Division  
Office of Congressional Affairs

STAT

SUBJECT: H.R. 2487, Federal Employees Leave Act of 1987

1. Attached, for your review and comment, is a copy of the above-captioned bill. As hearings on this proposed legislation are scheduled to take place in early August, it appears that the bill may move through Congress.

2. The bill provides that employees may donate annual leave to other employees, including employees of other agencies. As this bill would cover the Agency, it is important to know whether inter-agency leave transfers would affect cover. Even if any potential harm to cover could be remedied, it is important to know whether the cost of the remedy would be prohibitive, thus weighing the balance against including the Agency in this program.

3. We are aware that the bill as now written would require the Agency to provide pertinent information to the Office of Personnel Management (OPM) and we intend to take steps to protect classified information. We also intend to ask that a new provision be added to allow the Director of Central Intelligence, rather than OPM, to prescribe procedures covering Agency donors or recipients. We ask that you examine the bill and let us know whether the Agency has any other needs which we should address. You may telephone me on [ ] with your comments.

STAT



STAT

Attachment:  
as stated

Distribution:

OCA Read

Orig. + 2 - Addressees

1 - DDL/OCA

1 - OCA Registry

1 - OCA/LEG/[ ] Chrono

1 - OCA/LEG/Subject File: Misc. Personnel

OCA/LEG [ ] (3 Aug 87)

STAT

STAT

STAT

100TH CONGRESS  
1ST SESSION**H. R. 2487**

To amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes

---

**IN THE HOUSE OF REPRESENTATIVES**

MAY 20, 1987

Mr. WOLF (for himself, Mr. ACKERMAN, Mr. BATEMAN, Mr. AKAKA, Mrs. BENTLEY, Mr. DICKS, Mr. DYMALLY, Mr. DYSON, Mr. GILMAN, Mr. GRADISON, Mr. HALL of Ohio, Mr. HORTON, Mr. HOYER, Mr. LEHMAN of Florida, Mr. McMILLEN of Maryland, Mr. McEWEN, Mrs. MORELLA, Mr. MYERS of Indiana, Ms. OAKAR, Mr. PARRIS, Mrs. SCHROEDER, Mr. SMITH of New Jersey, Mr. TAYLOR, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Post Office and Civil Service

---

**A BILL**

To amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Federal Employees  
5 Leave Act of 1987".

1 **SEC. 2. VOLUNTARY LEAVE TRANSFER PROGRAM.**

2 (a) **IN GENERAL.**—(1) Chapter 63 of title 5, United  
3 States Code, is amended by adding at the end the following:

4 **“Subchapter III—Voluntary Leave Transfer**  
5 **Program**

6 **“§ 6331. Definitions**

7 “For the purpose of this subchapter—

8 “(1) the term ‘employee’ means an employee as  
9 defined by section 6301(2);

10 “(2) the term ‘personal emergency’ means a medi-  
11 cal or family emergency or other hardship situation  
12 that is likely to require an employee’s absence from  
13 duty and to result in a loss of income to the employee  
14 because of the unavailability of paid leave;

15 “(3) the term ‘leave recipient’ means an employee  
16 whose application under section 6333 to receive dona-  
17 tions of leave is approved;

18 “(4) the term ‘leave donor’ means an employee  
19 whose application under section 6334 to make dona-  
20 tions of leave is approved; and

21 “(5) the term ‘transferred leave’ means annual  
22 leave transferred under this subchapter.

23 **“§ 6332. General authority**

24 “Notwithstanding any provision of subchapter III, and  
25 subject to the provisions of this subchapter, the Office of Per-  
26 sonnel Management shall establish a program under which

## 3

1 annual leave accrued or accumulated by an employee may be  
2 transferred to the annual leave account of any other em-  
3 ployee if such other employee requires additional leave be-  
4 cause of a personal emergency.

5 **"§ 6333. Receipt and use of transferred leave**

6       “(a) An application to receive donations of leave under  
7 this subchapter, whether submitted by or on behalf of an  
8 employee—

9               “(1) shall be submitted to the employing agency  
10 of the proposed leave recipient; and

11               “(2) shall include—

12                       “(A) the name, position title, and grade or  
13 pay level of the proposed leave recipient;

14                       “(B) a brief description of the nature, severi-  
15 ty, and anticipated duration of the personal emer-  
16 gency involved; and

17                       “(C) any other information which the em-  
18 ploying agency may reasonably require.

19       “(b) A leave recipient may use annual leave transferred  
20 to the leave recipient's annual leave account under this sub-  
21 chapter in the same manner and for the same purposes as if  
22 such leave recipient had accrued that leave under section  
23 6303, except that—

24               “(1) any annual leave and (if appropriate) any sick  
25 leave accrued, accumulated, or otherwise available to

1 the leave recipient shall be used before any transferred  
2 leave may be used; and

3 "(2) unless the personal emergency involves a  
4 medical condition affecting the leave recipient, the em-  
5 ploying agency may consider the likely impact on  
6 morale and efficiency within the agency in considering  
7 a leave recipient's request to use transferred leave.

8 "(c) Transferred leave—

9 "(1) may accumulate without regard to the limita-  
10 tion imposed by section 6304(a); and

11 "(2) may be substituted retroactively for periods  
12 of leave without pay or used to liquidate an indebted-  
13 ness for advanced annual leave granted on or after a  
14 date fixed by the employee's employing agency as the  
15 beginning of the personal emergency involved.

16 "(d) Transferred leave remaining to the credit of a  
17 leave recipient when the leave recipient's employment  
18 terminates—

19 "(1) may not be transferred to another agency,  
20 except with the consent of such other agency;

21 "(2) may not be included in a lump-sum payment  
22 under section 5551 or 5552; and

23 "(3) shall not be available for recredit under sec-  
24 tion 6306 upon reemployment.

1 **"§ 6334. Donations of annual leave**

2       “(a) An employee may, by written application to such  
3 employee's employing agency, request that a specified  
4 number of hours be transferred from such employee's annual  
5 leave account to the annual leave account of a leave  
6 recipient.

7       “(b) Upon approving an application under subsection (a),  
8 the employing agency of the leave donor may transfer all or  
9 any part of the number of hours requested for transfer, except  
10 that the number of hours so transferred may not exceed—

11               “(1) the number of hours remaining in the leave  
12 year (as of the time of the transfer) for which the leave  
13 donor is scheduled to work and receive pay; or

14               “(2) one-half of the maximum number of hours of  
15 annual leave accruable by the leave donor during the  
16 leave year, except with the written approval of the  
17 leave donor's employing agency.

18       “(c) Regulations prescribed by the Office of Personnel  
19 Management under section 6341 shall include—

20               “(1) procedures to carry out this subchapter when  
21 the leave donor and the leave recipient are employed  
22 by different agencies; and

23               “(2) provisions under which appropriate ad-  
24 justments shall be made when the leave donor and  
25 leave recipient are under different leave systems.

1 **"§ 6335. Termination of personal emergency**

2       “(a) The personal emergency affecting a leave recipient  
3 shall, for purposes of this subchapter, be considered to have  
4 terminated as of the date on which—

5               “(1) the leave recipient's employing agency deter-  
6 mines that the personal emergency no longer exists; or

7               “(2) the leave recipient's employment by the em-  
8 ploying agency terminates.

9       “(b) A leave recipient's employing agency shall continu-  
10 ously monitor the status of the personal emergency affecting  
11 the leave recipient and, consistent with guidelines prescribed  
12 by the Office of Personnel Management, shall establish proce-  
13 dures to ensure that a leave recipient is not permitted to use  
14 or receive transferred leave after the personal emergency  
15 ceases to exist.

16 **"§ 6336. Restoration of transferred leave**

17       “(a) The Office of Personnel Management shall establish  
18 procedures under which any transferred leave remaining to  
19 the credit of a leave recipient when the personal emergency  
20 affecting the leave recipient terminates shall be restored on a  
21 prorated basis by transfer to the annual leave accounts of the  
22 respective leave donors.

23       “(b) Transferred leave restored to a leave donor under  
24 subsection (a) before the beginning of the third biweekly pay  
25 period before the end of a leave year shall be subject to the  
26 limitation imposed by section 6304(a).

1       “(c) Transferred leave restored to a leave donor under  
2 subsection (a) after the beginning of the third biweekly pay  
3 period before the end of a leave year shall not be subject to  
4 the limitation imposed by section 6304(a) until the end of the  
5 leave year following the leave year in which the transferred  
6 leave is restored.

7       “(d) The Office shall prescribe regulations under which  
8 this section shall be applied in the case of an employee who is  
9 paid other than on the basis of biweekly pay periods.

10       “(e) Restorations of leave under this section shall be  
11 carried out in a manner consistent with regulations under  
12 section 6334(c), if applicable.

13       **“§ 6337. Prohibition of coercion**

14       “(a) An employee may not directly or indirectly intimi-  
15 date, threaten, or coerce, or attempt to intimidate, threaten,  
16 or coerce, any other employee for the purpose of interfering  
17 with any right which such employee may have with respect  
18 to donating, receiving, or using annual leave under this sub-  
19 chapter.

20       “(b) For the purpose of subsection (a), the term ‘intimi-  
21 date, threaten, or coerce’ includes promising to confer or con-  
22 ferring any benefit (such as an appointment or promotion or  
23 compensation), or effecting or threatening to effect any re-  
24 prisal (such as deprivation of appointment, promotion, or  
25 compensation).



1 **"§ 6338. Inclusion of postal employees**

2 "An individual employed by the United States Postal  
3 Service or the Postal Rate Commission shall be eligible to  
4 participate under this subchapter to the same extent and sub-  
5 ject to the same conditions as in the case of an employee  
6 under section 6331(1).

7 **"§ 6339. Negotiated contracts; exclusion authority**

8 "(a) Employees within a unit with respect to which an  
9 organization of Government employees has been accorded  
10 exclusive recognition shall not be included under this sub-  
11 chapter except to the extent expressly provided under a writ-  
12 ten agreement between the agency and such organization.

13 "(b)(1) Upon written request by the head of an agency,  
14 the Office of Personnel Management may exclude that  
15 agency from this subchapter if the Office determines that in-  
16 clusion under this subchapter is causing substantial disruption  
17 to agency functions.

18 "(2) Section 2(b)(2) of the Federal Employees Leave  
19 Act of 1987 shall apply with respect to any transferred leave  
20 remaining to the credit of an employee whose personal emer-  
21 gency has not terminated before that employee's employing  
22 agency is excluded pursuant to this subsection.

23 **"§ 6340. Reporting requirements**

24 "The Office of Personnel Management may require  
25 agencies to maintain records and provide pertinent informa-

tion to the Office for purposes of any report which the Office  
may be required to prepare with respect to this subchapter.

### "§ 6341. Regulations

"The Office of Personnel Management may prescribe  
regulations necessary for the administration of this sub-  
chapter."

(2) The analysis for chapter 63 of title 5, United States  
Code, is amended by adding at the end the following:

#### "SUBCHAPTER III—VOLUNTARY LEAVE TRANSFER PROGRAM

"Sec.

"6331. Definitions.

"6332. General authority.

"6333. Receipt and use of transferred leave.

"6334. Donations of annual leave.

"6335. Termination of personal emergency.

"6336. Restoration of transferred leave.

"6337. Prohibition of coercion.

"6338. Inclusion of postal employees.

"6339. Negotiated contracts; exclusion authority.

"6340. Reporting requirements.

"6341. Regulations."

(b) COMMENCEMENT AND TERMINATION OF PRO-  
GRAM: AUTHORITY TO USE RESIDUAL LEAVE REMAINING  
AFTER PROGRAM TERMINATES.—(1) The voluntary leave  
transfer program shall be implemented beginning not later  
than 4 months after the date of the enactment of this Act and  
shall terminate 5 years after its commencement date.

(2) If the voluntary leave transfer program terminates  
before the termination of the personal emergency affecting a  
leave recipient, any annual leave transferred to the annual  
leave account of the leave recipient before the termination of  
the program shall remain available for use (including by res-

1    toration to leave donors, if applicable) as if the program had  
2    remained in effect.

3       (c) **REPORT.**—The Office of Personnel Management  
4    shall submit a written report to the President and the Con-  
5    gress with respect to the operation of the voluntary leave  
6    transfer program not later than 6 months before the date on  
7    which the program is scheduled to be terminated.

8    **SEC. 3. EXPERIMENTAL PROGRAMS INVOLVING ADDITIONAL**  
9                   **LEAVE AS A MEANS OF RECOGNIZING OUT-**  
10                   **STANDING PERFORMANCE BY FEDERAL EM-**  
11                   **PLOYEES.**

12       (a) **GENERAL GUIDELINES.**—As soon as practicable  
13    after the date of the enactment of this Act, the Office of  
14    Personnel Management shall by regulation establish general  
15    guidelines in accordance with which agencies shall be permit-  
16    ted to conduct experimental programs to determine the desir-  
17    ability and feasibility of providing additional leave under sub-  
18    chapter I of chapter 63 of title 5, United States Code, as a  
19    means of recognizing outstanding performance or other  
20    achievements by Federal employees.

21       (b) **SPECIFIC CONDITIONS.**—(1) An experimental pro-  
22    gram—

23           (A) may be designed in such a way so that the  
24           additional leave could be used in lieu of, in addition to,  
25           or otherwise in conjunction with any monetary award

1 or other form of recognition otherwise available under  
2 existing provisions of law; but

3 (B) may not be implemented in the case of any  
4 particular employee except with the consent of the em-  
5 ployee involved.

6 (2) Employees within a unit with respect to which an  
7 organization of Government employees has been accorded  
8 exclusive recognition may not be included in an experimental  
9 program except to the extent expressly provided under a  
10 written agreement between the agency and such organi-  
11 zation.

12 (c) TECHNICAL ASSISTANCE.—The Office shall, upon  
13 request of an agency, provide technical assistance relating to  
14 the design or implementation of an experimental program  
15 under this section.

16 (d) INFORMATION TO OPM.—The Office may require  
17 agencies to maintain such records and to provide such infor-  
18 mation as the Office may require in order to prepare its  
19 report under subsection (e)(2).

20 (e) TERMINATION; REPORT; REMAINING LEAVE.—(1)  
21 All experimental programs under this section shall terminate  
22 not later than 5 years after the date of the enactment of this  
23 Act.

24 (2) Not later than 6 months after the termination of the  
25 experimental programs, the Office shall submit to the Presi-

12

1 dent and the Congress a report containing the Office's find-  
2 ings and conclusions with respect to each such program. In-  
3 cluded as part of such report shall be recommendations for  
4 any administrative action or legislation which the Office con-  
5 siders appropriate.

6 (3) Any additional leave standing to the credit of an  
7 employee upon the termination of the experimental program  
8 under which such leave was granted shall remain available  
9 for use by such employee as if the program had remained in  
10 effect.

○